

CASCADE COUNTY COMMISSION MEETING

April 25, 2017

COMMISSION CHAMBERS

COURTHOUSE ANNEX, ROOM 111

9:30 A.M.

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b). These minutes were officially approved at the May 6, 2017 meeting.

Commission: Chairman Jim Larson, Commissioner Joe Briggs and, Commissioner Jane Weber excused.

Present: Donald A. West, Donna Hardesty, Dave Dickman, Gary Prue, Marian Prue, Steve Erwin, Patty Boyle, Buster Hyndman, Eileen Hyndman, Jerry Clark, Carole Ann Clark, Kaylee Kelleher, Shannon Wadsworth, Phil Nappo, MW Brainard, Mitch Brainard, Ken Robison, Lance Boyd, Shannon Wilson, Alex Dachs, Fernando Terrones, Sean Higginbotham, Mary Embleton, Bonnie Fogerty, and Brad Clark.

Service Award Recognition: Ken Robison was honored for his 12 years of service on the Historic Preservation Advisory Commission Board.

Purchase orders and accounts payable warrants: Commissioner Briggs made a **MOTION** to approve invoices and account payable checks #274187 thru #274308 totaling \$464,701.35 dated 04/03/2017 thru 04/07/2017. Purchase orders and accounts payable checks #274309 through #274560 totaling \$1,003,205.50 and EFT's #9100125 through #9100135 totaling \$1,677.16 for an A/P total of \$1,004,882.66 dated 04/10/2017 thru 04/14/2017. In addition, payroll checks #90417 through #90609 were issued totaling \$93,942.60 and direct deposits were made totaling \$1,440,713.82 for a payroll total of \$1,534,645.42 for the month of March 2017. **Motion carries 2-0**

Reading of the Commissioners' calendar: Bonnie Fogerty read the weekly calendar.

Treasurer's Monthly Report of Bank Balances, Investments, Revenues, and Disbursements: Patty Boyle read this report, which can be found in Agenda packet dated April 25, 2017.

Consent agenda: The consent agenda is made up of routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for further discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Briggs made a **MOTION** to approve minute entries.

♦ **Board Appointment:** Planning Board - Dan Johnstone - Term Expires: 12/31/17 (Filling seat vacated by Brian Ruckman)

♦ **Resolution 17-36:** Budget Appropriation with the District Court to increase FY2017 budget authority to cover court-ordered medical expenses due to unanticipated additional cases. Total Amount: \$19,000.R0338634

♦ **Resolution 17-37:** Budget Appropriation increasing expenditure authority for Fund 2810 Alcohol Traffic Safety for unanticipated costs as determined by the Cascade County DUI Task Force. Total Increase: \$5,000, offset by reserves.R0338635

♦ **Contract 17-38:** Noxious Weed Trust Fund Project Grant Agreement, Stockett Grant, Year 3, MDA # 2017-052. Purpose: Perform noxious weed control activities in Cascade County. Effective: April 25, 2017 - October 31, 2018. Maximum Grant Amount: \$11,712. (Landowner Match)R0338848

♦ **Contract 17-39:** Noxious Weed Trust Fund Project Grant Agreement, Lower Hound Creek Weed Management Area, Year 4, MDA#2017-051. Purpose: Perform noxious weed control activities in Cascade County. Effective: April 25, 2017 - October 31, 2018. Maximum Grant Amount: \$9,859. (Landowner Match)R0338849

♦ **Contract 17-40:** Noxious Weed Trust Fund Project Grant Agreement, Eden Grant, Year 2, MDA #2017-050. Purpose: Perform noxious weed control activities in Cascade County. Effective: April 25, 2017 - October 31, 2018. Maximum Grant Amount: \$2,136. (Landowner Match)R033850

♦ **Contract 17-41:** Noxious Weed Trust Fund Project Grant Agreement, Hound Creek Weed Management Area. Year 9, MDA #2017-020. Purpose: Perform noxious weed control activities in Cascade County. Effective: April 25, 2017 - October 31, 2018. Maximum Grant Amount: \$59,785. (Landowner Match)R0338851

♦ **Contract 17-42:** Renewal Lease Agreement by and between the Cascade County Solid Waste District and the Town of Cascade for the Cascade County refuse station site located north of Simms Cascade Road in the present Town of Cascade. Effective: February 1, 2017 - January 31, 2022. Rent Payment: \$200/annual.R0338878

♦ **Contract 17-44:** Purchase Agreement for Cyber Security Services by and between Cascade County and Center for Internet Security, Inc. (CIS) for 3rd party security assessments. Effective: Date of signing for 12 months. Total Cost: \$2,971.R0339517

♦ **Contract 17-45:** Construction Agreement by and between the State of Montana Department of Transportation and Cascade County for Federal Aid Project No. STPU 5220(4), known as UPN 8193, Fox Farm Road. Not Recorded

♦ **Contract 17-46:** MT DPHHS Service Provider Designation Form. Cascade County designates 100% of allocated earmarked alcohol tax monies to Gateway Community Services for the provision of chemical dependency treatment and prevention services in Cascade County. Effective FY 2018: July 1, 2017- June 30, 2018.R0338636

City-County Health Department

♦ **Contract 17-43:** Montana Health Co-Op Assignment and Assumption Agreement between Altius Health Plans, Inc., CCHD and Montana Health Cooperative (MHC). Effective: January 1, 2018.R0340019

Motion to approve consent agenda carries 2-0

AGENDA ITEM #1

Public Hearing

Resolution 17-34: Resolution of Intention to provide for the change of zoning district classification from "SR-1" Suburban Residential District to "A" Agricultural District classification for Parcel #2012302, located in Section 20, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana. Initiated by: David & Sandra Dickman R0338633

Chairman Larson recessed the regular meeting and opened the public hearing. The reading of the public notice was waived and placed into the record (see Exhibit "A").

Alex Dachs read the synopsis and the Zoning Analysis found in the Agenda Action Report date April 25, 2017.

Chairman Larson stated that his son rents shop space from Mr. Dickman and there is no conflict of interest when he votes on this resolution.

Chairman Larson called for the applicant.

Dave Dickman thanked the Commission and announced that he will be able to do more things on his property if this zone change.

Chairman Larson called for Proponents:

Don West spoke in favor of this rezone and stated that he lives 4 four lots down.

Chairman Larson called for opponents in which there was none.

Chairman Larson called for written testimony in which there was none.

Chairman Larson closed the public hearing and reconvened the Regular meeting.

Commissioner Briggs made a **MOTION** to approve Resolution 17-34 the Resolution of Intention to rezone parcel #2012302 from "SR-1" Suburban Residential (1 acre) to "A" Agricultural, located in Section 20, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana **Motion carries 2-0**

AGENDA ITEM #2

Public Hearing

Resolution 17-35: Public Hearing Resolution of Intention to provide for the change of zoning district classification from "RR5" Rural Residential 5 District to "A" Agricultural District classification for Parcel #5702000, located in Section 31, Township 21 North, Range 2 East, P.M.M., Cascade County, Montana. Initiated by: Don Jacobs R0339198

Chairman Larson recessed the regular meeting and opened the public hearing. The reading of the public notice was waived and placed into the record (see Exhibit "B").

Alex Dachs read the synopsis and the Zoning Analysis found in the Agenda Action Report date April 25, 2017.

Chairman Larson called for the applicant whom was not present.

Commissioner Briggs had questions about if this was one or two lots within one parcel it was noted that these are Lots 1 and Lot 2 within the subdivision.

Commissioner Briggs also pointed out an error on page 2 of the planning application that it be changed from Commercial to Agricultural. He also had it confirmed that they did purchase the property in 2013 in which it was grandfathered at the time to permit construction usage.

Commissioner Briggs also questioned what types of construction can be considered as Agricultural zoning.

Chairman Larson also commented on what is commercial compared to Agricultural and in what proximity is this rock quarry to the neighbors?

Alex Dachs responded by stating there are many uses for Agricultural and the neighbors are a ways from the business but it is noisy.

Chairman Larson called for written testimony in which there was none.

Chairman Larson called for Proponents three times in which there was none.

Chairman Larson called for Opponents in which there was none.

Eileen Hyndman of 983 McIver Road showed her pictures to the Commissioners.

She stated that when she moved here seven (7) years ago she did not know it was going to be an industrial park. The rock hauling trucks on the gravel road going 50 to 60 miles an hour creates a lot of dust and noise. She also noted that the rock saw has a loud piercing sound that travels many miles. There was also mention of another business across the road which is a possible marijuana farm, and the lack of wildlife due to the businesses in the area.

Donna Hardesty of 989 McIver Road stated she has lived there for twelve (12) years now. She said that the traffic increase has been horrendous, and the trucks disturb her horse. She noted that the previous property owner was originally going to create a subdivision for residential homes. She also mentioned the marijuana place down the street and shared other concerns about the early operations in the summer and the poor condition of the gravel road.

There was some discussion amongst the Commission about rock mining and reclamation if rock is removed.

Phil Nappo of 979 McIver Road, agreed with the increase of traffic and stated that rocks are industrial not agricultural. He wondered what would happen next industrial parks moving out into the County.

Commissioner Briggs questioned what is approved under the Agricultural zoning, and wondered if rock process could even be allowed? He also asked how the planning department became aware of this rock cutting business.

Alex Dachs stated that there are many uses under the Agricultural zoning. In addition, that there were complaints and DEQ had a public notice of Venture Stones location of where they collected rocks from which informed them about the rock cutting business.

Commissioner Briggs announced that this Public Hearing has been held but a decision is not necessary today until more information is gathered.

Chairman Larson closed the Public Hearing and reconvened the Regular meeting.

Commissioner Briggs made a **MOTION** to **table** the motion to approve Resolution of Intention 17-35. **Motion carries 2-0**

AGENDA ITEM #3

Review of Buildings for Lease or Rent: Three (3) additional buildings for mini storage. Located on 3100 Old Havre Highway, Black Eagle. Applicant Dan Bowman R0339197

Alex Dachs presented this item to construct three buildings with 30 mini storage units per building.

Commissioner Briggs made a **MOTION** after consideration of the Staff Report that three (3) proposed buildings housing thirty (30) units per building be approved subject to the four (4) conditions. **Motion carries 2-0**

AGENDA ITEM #4

Board appointment of either Jeannette Neiffer or Shyla Patera to the Great Falls Transit District Board with a term expiring November 30, 2020

Commissioner Briggs made a **MOTION** to appoint Shyla Patera to the Great Falls Transit Board with a term expiring November 30, 2020. **Motion carries 2-0**

Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by Today's agenda. (MCA 2-3-103)

William (Bill) Brainard of 3527 4th Avenue North Great Falls approached the Commission with his concerns about his property. For some time now he has had people that have trespassed on his property and are living there. He has contacted the Sheriff's Department but they cannot remove the trespassers without a court order, from quiet title action, which can take up to two (2) years to process. Mr. Brainard also made the Commission aware of the criminal history of the trespassers which include theft and drug charges and a possible stabbing. The Commission

agreed that the trespasser's need to be removed but encouraged him to continue his quiet title process.

Adjournment: Chairman Larson adjourned this Commission meeting at 11:45 a.m.



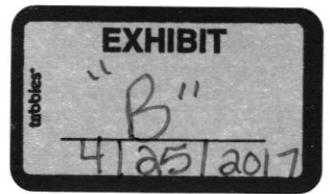
Notice of Public Hearing

NOTICE IS HEREBY given that pursuant to Montana Code Annotated Title 76, Chapter 2, Part 2, the Cascade County Board of County Commissioners will hold a public hearing on Tuesday, April 25, 2017 at 9:30 a.m. in Room 105 of the Courthouse Annex at 325 2nd Avenue North. The Board will meet to consider a petition from David & Sandy Dickman for a zone change on Parcel # 2012302, located in Section 20, Township 20 North, Range 4 East, P.M.M., Cascade County, MT. The petition for zone change is from the Suburban Residential (SR-1) District to the Agricultural (A) District.

The application and supplementary materials are on file for public inspection at the office of the Cascade County Clerk and Recorder, located at 121 4th Street North Suite 1B-1, Great Falls, MT 59401 and the Cascade County Public Works Department, Planning Division, 121 4th Street North Suite 2H/I, Great Falls, MT 59401. Any interested person may appear and speak for or against this proposal at the public hearing or submit in writing any comments to the County Planning Division's Office. The Planning Division may be contacted at (406) 454-6905.

Don Sims, Planner, Cascade County Planning Division

Publication Date: Sunday, February 26, 2017 and Sunday, March 5, 2017



Notice of Public Hearing

NOTICE IS HEREBY given that pursuant to Montana Code Annotated Title 76, Chapter 2, Part 2, the Cascade County Board of County Commissioners will hold a public hearing on Tuesday, April 25, 2017 at 9:30 a.m. in Room 105 of the Courthouse Annex at 325 2nd Avenue North. The Board will meet to consider a petition for zone change submitted by the applicant Don Jacobs, owner of Venture Stone for the property addressed at 795 Ulm Vaughn Rd. The property to be rezoned is lot 1 and lot 2 of the Phillips Subdivision. The property's legal description is in Section 31, Township 21 North, Range 2 East, P.M.M., Cascade County, MT & identified as parcel #5702000. The petition for zone change is from the Rural Residential (RR-5) District to the Agricultural (A) District.

The application and supplementary materials are on file for public inspection at the office of the Cascade County Clerk and Recorder at 121 4th Street North, Suite 1B, Great Falls, MT 59401 and the Cascade County Public Works Department, Planning Division located at 121 4th Street North, Suite 2H/I, Great Falls, MT 59401. Any interested person may appear and speak for or against this proposal at the public hearing or submit in writing any comments to the County Planning Office prior to or during said public hearing. The Planning Division may be contacted at (406) 454-6905.

Alex Dachs, Planner, Cascade County Planning Division

Publication Date: Sunday, February 26, 2017 and Sunday, March 5, 2017